

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:)	
)	
CC HILLCREST LLC)	
)	Case No. 22-31362-SWE-11
)	
Debtor)	Chapter 11
)	

HILLCREST UNION, KENNETH D. MIHM,)	
RODERICK WILLIAMS, and)	
ANDRE DEON MCGILVERY,)	
)	HEARING DATE:
Movants)	September 28, 2022
)	
v.)	DATE: Time
)	1:30 P.M.
CC HILLCREST, LLC,)	
)	
Respondent)	

DECLARATION OF KENNETH MIHM

I, Kenneth Mihm, am over the age of eighteen and understand the obligations of an oath. Being duly sworn, I hereby state the following:

1. I reside at 2005 Hillcrest St #1012 Mesquite TX 75149 and have lived there since September 2014.
2. I am up to date on my rental payments.
3. I am a Plaintiff-Intervenor in the litigation *City of Mesquite, Hillcrest Union, Kenneth Mihm, Roderick Williams, Andre McGilvery, vs CC Hillcrest, LLC; DC-22-01764*
4. I am a member of Hillcrest Union, which has also intervened in the *City of Mesquite v. CC Hillcrest LLC, et al.* lawsuit.
5. Hillcrest Union is comprised of current and former residents of Hillcrest Apartments.

6. As part of the Union, I work with other tenants to advocate for our rights at Hillcrest Apartments.
7. Through union activities, I have spoken with and met several tenants of Hillcrest Apartments and have spoken with them about the many on-going health and safety issues that tenants are facing at Hillcrest Apartments.
8. The air conditioning in my apartment did not work when I moved in. I had to purchase a window unit, and the management told me adt the time that they would have to charge me for its use. I submitted a reasonable accommodation letter, and they didn't charge me.
9. I have not had functioning central air in the time I've lived here, up to today.
10. Since the current owner purchased Hillcrest Apartments, I have made multiple repair requests regarding health and safety violations that were (and are) present in my apartment.
11. The owners have not timely or sufficiently responded to all of those requests.
12. On April 19th, 2022, I submitted a repair request by certified mail. I requested that the several health and safety conditions be repaired, including mold in the carpet and air conditioning covers, mold in the bathroom tile, and roach infestations.
13. An image of the receipt indicating successful delivery is attached hereto as Exhibit A.
14. An image of the repair letter is attached hereto as Exhibit B.
15. I began having electrical problems on June 29th, 2022. The electricity went out on one side of my bedroom, turning off my window unit and fans. To date, that outlet does not work. Maintenance "fixed" the issue by running electrical cords into the area from the other side of the apartment. I took a picture after they left. (Exhibit C)
16. That day, the maintenance people, Anthony and John, told me that I would need to move furniture away from the wall, or hire someone to do it, in order to fully fix the electricity issue. I told them I could not because of the nature of my disability.
17. I tripped over the electrical cords and hit my head on July 13th, 2022. I became light headed and developed a bruise on my forehead.
18. On August 6th 2022, I sent an email to Mesquite Code Enforcement about conditions in my apartment. That email is attached hereto as Exhibit D. I tried to send it to the property management but I couldn't get the email right.

19. To date, there is still no functioning central air in my apartment, and the temperature in my apartment was uncomfortably hot over the summer, and cold in the winter. In my bedroom, despite the use of a window unit, it is still uncomfortably hot. I took a picture of a thermometer in my unit on the afternoon of 08/10/2022, showing that the indoor temperature was 86. (Exhibit E)
20. On 8/16/2022, my hot water and internet shut off with no warning. I sent an updated repair request via email to Hillcrest Apartments with Hillcrest Union's help. (Exhibit F)
21. Management delivered a letter to me that made incorrect representations of a meeting I had with management in my unit on August 25th, 2022. (Exhibit H)
22. For the past few weeks, I have been in consistent communication with the apartment manager via email directly to keep a running list of repair issues. Some of them have been resolved, but not all.
 - a. Central A/C not functioning
 - b. Mold in ducts and carpet (recently 8/23/2022, maintenance came and attempted to clean my ducts but did not test for mold)
 - c. Mold in bathroom tiles
 - d. Roach infestation
 - e. Bedroom electrical outlet still not working
 - f. Exposed wires in bathroom
 - g. Cracks in walls, ceiling
 - h. Window seal leaking
 - i. Dishwasher needs minor repairs
 - j. Lighting in apartment need minor repairs
23. I understand that I could go to the Budget Inn Motel because of health and safety issues but I can't stay there. I'm on disability, I'm injured, it's hard for me to get around, and I can't cook there. I don't make enough money to eat takeout for every meal.

Having reviewed this Declaration,

I declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on September 19th, 2022

Signed *Kenneth Mihm*
Kenneth Mihm